

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NOVARTIS PHARMACEUTICALS
CORPORATION, et al.

Plaintiff,

v.

ROXANNE LABORATORIES, INC.

Defendant.

Civil Action No. 06-4125(FSH)

NOVARTIS PHARMACEUTICALS
CORPORATION, et al.

Plaintiff

v.

TARO PHARMACEUTICALS, et al.

Defendant

Civil Action No. 06-4178(FSH)

NOVARTIS PHARMACEUTICALS
CORPORATION, et al.

Plaintiff

v.

BRECKENRIDGE
PHARMACEUTICAL, INC.

Defendant

Civil Action No. 06-4199(FSH)

**NOVARTIS PHARMACEUTICALS
CORPORATION, et al.**

Plaintiff

v.

TEVA PHARMACEUTICALS USA, INC.

Defendant

Civil Action No. 06-4200(FSH)

ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of letter dated July 10, 2007; and the Court having conducted a telephone conference on the record on July 20, 2007; and the Court having considered the submissions, arguments and representations of the parties; and for the reasons set forth on the record on July 20, 2007; and for good cause shown,

IT IS ON THIS 20th day of July, 2007

ORDERED that final privilege logs shall be produced no later than **July 31, 2007**;

IT IS FURTHER ORDERED that unresolved challenges to the invocation of the attorney-client privilege and/or work product rule and disputes concerning the claim that certain inadvertently produced documents are privileged shall be presented no later than **September 7, 2007**;

IT IS FURTHER ORDERED that the parties shall confer as to whether or not they will retain a neutral party to address privilege disputes;

IT IS FURTHER ORDERED that, no later than **August 8, 2007**, the parties shall raise any unresolved disputes concerning the production of samples;

IT IS FURTHER ORDERED that, no later than **July 27, 2007**, the parties shall submit a

joint letter regarding the legal support to require the production of internal documents concerning particle size, food effect and bioavailability of carbamazepine;

IT IS FURTHER ORDERED that the plaintiffs shall produce prior art, including published materials referred to in patent applications and inventor notebooks/files, concerning particle size, food effect and bioavailability of carbamazepine for the period May 15, 1987 through May 2, 2006. No later than **July 27, 2007**, the plaintiffs shall propose a protocol for searching for such documents;

IT IS FURTHER ORDERED that the objection to the production of discovery concerning secondary considerations is overruled. The responsive discovery shall be produced no later than **August 8, 2007**;

IT IS FURTHER ORDERED that, no later than **August 8, 2007**, the plaintiffs shall produce the redacted ANDAs for nonparties. The plaintiff shall redact the name of the applicant and information about the proposed product, and shall produce only the portion of the ANDAs that address the applicant's views regarding the patent's invalidity and whether or not it is enforceable. Such information shall be produced for outside counsel's eyes only;

IT IS FURTHER ORDERED that unresolved discovery disputes that stem from the Rule 30(b)(6) deposition scheduled for August, 2007 and any other disputes that arose after July 17, 2007 shall be presented via joint letter no later than **September 5, 2007**;

IT IS FURTHER ORDERED that, no later than **August 23, 2007**, all parties shall supplement their contention interrogatories based upon the information they possess as of August 16, 2007 and shall provide a final supplementation of their contention interrogatories no later than **October 2, 2007**;

IT IS FURTHER ORDERED that, with respect to defendants' Interrogatory No. 3, no

later than **August 8, 2007**, the plaintiffs shall disclose the facts that were considered in their decision to initiate this lawsuit and identify the documents that were reviewed (such as ANDAs of the parties, foreign patent applications, U.S. patent applications, ANDAs of non-parties, etc). The defendants may depose the individuals plaintiffs identified as having knowledge of the facts considered;

IT IS FURTHER ORDERED that the parties seeking to file Amended Answers shall do so no later than **July 20, 2007** and shall submit consent orders to the Court no later than **July 23, 2007**; and

IT IS FURTHER ORDERED that all other deadlines shall remain unchanged.

s/Patty Shwartz

UNITED STATES MAGISTRATE JUDGE